

SCOTTSDALE

CITY COUNCIL MEETING



AMENDEDMEETING NOTICE AND AGENDA

[ADDED PRESENTATION; REWORDED CONSENT AGENDA ITEM NO. 8]

COUNCIL

Mary Manross, Mayor

Betty Drake

Wayne Ecton

W.J. "Jim" Lane

Robert W. Littlefield

Ron McCullagh

Tony Nelssen

Tuesday, September 9, 2008

5:00 P.M.

CITY COUNCIL MEETING

MARKED AGENDA

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **5:06 PM**

Roll Call – **ALL PRESENT**

Pledge of Allegiance – **BOY SCOUT PACK NO. 648**

Invocation – **PASTOR BRUCE JOHNSON, SCOTTSDALE PRESBYTERIAN CHURCH**

City Manager's Report – MR. LITTLE ANNOUNCED THAT CONSTRUCTION OF THE APPALOOSA LIBRARY IS SET TO BEGIN IN OCTOBER. THE MAYOR AND COUNCIL BREAKFAST SCHEDULED FOR SEPTEMBER 11, 2008 AT THE GRANITE REEF SENIOR CENTER WILL FEATURE GUEST SPEAKER FIRE CHIEF WILLIE McDONALD. MR. LITTLE RECOGNIZED CITY EMPLOYEE TRACY WEAVER FOR OUTSTANDING CUSTOMER SERVICE TO OUT-OF-TOWN VISITORS. MR. LITTLE SAID THAT STAFF WOULD BE RETURNING TO THE COUNCIL WITH A FULL REPORT ON PLANNED STRATEGIES TO ADDRESS BUDGET CHALLENGES.

***Presentations/Information Updates

- McDowell Sonoran Month Presentation

Approval of Minutes

- OK – 7/0

REGULAR MEETINGS

SPECIAL MEETINGS

WORK STUDY SESSIONS

EXECUTIVE SESSIONS

August 18, 2008

Public Comment – DAVE HOCHSTRASSER EXPRESSED CONCERN ABOUT THE COLOR OF PAINT USED TO COVER UP GRAFFITI

Citizens may complete one Request to Speak "Public Comment" card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "Public Comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items. **Speakers are limited to three minutes to address the Council during "Public Comment" time.**



PERSONS WITH A DISABILITY MAY REQUEST A REASONABLE ACCOMMODATION BY CONTACTING THE CITY CLERK'S OFFICE AT (480-312-2412). REQUESTS SHOULD BE MADE 24 HOURS IN ADVANCE, OR AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE ACCOMMODATION. FOR TTY USERS, THE ARIZONA RELAY SERVICE (1-800-367-8939) MAY CONTACT THE CITY CLERK'S OFFICE (480-312-2412).

CONSENT AGENDA

ITEMS 1-16

Tuesday, September 9, 2008

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How the Consent Agenda Works: The Council may take one vote to act on all items on the Consent Agenda, or may remove items for further discussion. Every interested citizen will have one opportunity to speak on any or all Consent Agenda items. If you wish to speak on these items, please complete a Request to Speak card for each topic you wish to address. **You will be given at least three minutes to speak on all the Consent Agenda items you wish to address. Additional time for multiple agenda items will be at the Mayor's discretion.**

After all speakers have finished, the City Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

1. **Cantina Paloma Restaurant Liquor License (63-LL-2008) – APPROVED ON CONSENT**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location with a new owner.
Location: 8900 E. Pinnacle Peak Road, Suite E-1
Staff Contact(s): Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, cpadian@scottsdaleaz.gov
2. **Red Kimchi Restaurant Liquor License (64-LL-2008) – APPROVED ON CONSENT**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location with a new owner.
Location: 1414 N. Scottsdale Road
Staff Contact(s): Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, cpadian@scottsdaleaz.gov
3. **Sidewinders Restaurant Liquor License (65-LL-2008) – APPROVED ON CONSENT**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing restaurant with a new owner.
Location: 10999 N. Frank Lloyd Wright Boulevard
Staff Contact(s): Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, cpadian@scottsdaleaz.gov
4. **Uncle Louie The Restaurant Liquor License (66-LL-2008) – APPROVED ON CONSENT**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for a new location with a new owner.
Location: 31313 N. Scottsdale Road, Suite 180
Staff Contact(s): Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, cpadian@scottsdaleaz.gov
5. **Takeda Thai by Moulay Restaurant Liquor License (67-LL-2008) – APPROVED ON CONSENT**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for a new location with a new owner.
Location: 10271 N. Scottsdale Road
Staff Contact(s): Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, cpadian@scottsdaleaz.gov

CONSENT AGENDA

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6. **Pima Park Municipal Use Master Site Plan and Conditional Use Permit for Additional Water Treatment and Park Facilities (8-UP-2008 and 17-UP-2008)** – APPROVED ON CONSENT, FINDING IN CONFORMANCE WITH CONDITIONAL USE PERMIT CRITERIA

Requests:

1. Approve a Municipal Use Master Site Plan for Pima Park to accommodate additional water treatment and park facilities for Case No. 8-UP-2008.
2. Adopt **Resolution No. 7691** affirming the Municipal Use Master Site Plan and finding that the municipal master site plan criteria have been met for Case No. 8-UP-2008.
3. Approve a Conditional Use Permit for a municipal use at Pima Park to accommodate additional water treatment and park facilities for Case No. 17-UP-2008.
4. Adopt **Resolution No. 7690** affirming the Conditional Use Permit for a municipal use to accommodate additional water treatment facilities and additional park facilities and finding that the conditional use permit criteria have been met for Case No. 17-UP-2008.

Location: 8600 E. Thomas Road, 8610 E. Thomas Road, and 3081 N. 86th Street

Related Policies, References: Case Nos. 58-DR-1998#2, 33-UP-1988, and 20-UP-1991

Staff Contact(s): Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, cpadian@scottsdaleaz.gov; Lusia Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov

7. **12620 East Gold Dust Avenue Abandonment (5-AB-2008)** – APPROVED ON CONSENT

Requests:

1. Abandon the west 33-foot General Land Office (GLO) easement on a parcel located on the East Gold Dust Avenue and North 126th Street alignment.
2. Adopt **Resolution No. 7692** vacating and abandoning the GLO patent roadway and public utility easements and public rights-of-way.

Location: 12620 E. Gold Dust Avenue

Staff Contact(s): Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, cpadian@scottsdaleaz.gov; Lusia Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov

***8. **Summertree Condominiums Abandonment (12-AB-2007)** – APPROVED ON CONSENT

Requests:

1. Abandon the ±20-foot-wide right-of-way located south and east of 7011 East Palm Lane for alley purposes.
2. Retain a public utility easement along the entire abandonment right-of-way until the property owner relocates the utilities.
3. Retain an emergency and service vehicle access easement until emergency and vehicular access is provided from North 70th Street and East Palm Lane.
4. Adopt **Resolution No. 7598** vacating and abandoning public right-of-way.

Location: 7003 E. Palm Lane

Related Policies, References: Wonderland Subdivision plat was recorded on September 12, 1962. In addition, the following cases are related to the site: 68-DR-1975, 13-A-1971, and 70-DR-2007.

Staff Contact(s): Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, cpadian@scottsdaleaz.gov; Lusia Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov

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9. **Scottsdale Museum of the West (Loloma Planned Block Development) Amended Site Development Standards (2-ZN-2000#3) – APPROVED ON CONSENT**

Requests:

1. Approve the Amended Site Development standards for a proposed cultural institution (Museum of the West) on a 0.78 net acre site (0.87 gross acres) with Downtown Residential Hotel-Type-2 Planned Block Development/Downtown Overlay District (D/RH-2 PBD/DO) located northwest of the intersection of North Marshall Way and East 1st Street.
2. Adopt **Ordinance No. 3805** affirming the Amended Site Development Standards.

Related Policies, References:

- The Downtown Plan
- The Downtown Plan Urban Design & Architectural Guidelines

Staff Contact(s): Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, cpadian@scottsdaleaz.gov; Lusia Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov

10. **Lincoln Village Rezoning (7-ZN-2008) – APPROVED ON CONSENT**

Requests:

1. Rezone from Central Business District with conditions (C-2-C) to Central Business District (C-2) on 7.6± acres at 6200-6208 N. Scottsdale Road.
2. Adopt **Ordinance No. 3803** affirming the rezoning.

Related Policies, References:

- General Plan
- Case No. 76-ZN-1977, rezone from C-1 to C-2-C
- Case No. 50-DR-2007, Fogo De Chao Restaurant replacing Black Angus

Staff Contact(s): Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, cpadian@scottsdaleaz.gov; Lusia Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov

11. **Acceptance of a Gila River Indian Community Proposition 202 Grant for Senior Citizen Dental Services – APPROVED ON CONSENT**

Requests:

1. Adopt **Resolution No. 7716** authorizing the City to accept a Gila River Indian Community Proposition 202 grant in the amount of \$45,000 to fund dental services for low income senior citizens.
2. Authorize the transfer of \$45,000 in the Future Grants budget adopted for FY 2008/09 to the center assigned to record all the grant activity.

Staff Contact(s): Bridget Schwartz-Manock, Government Relations Director, 480-312-2423, bschwartzmanock@scottsdaleaz.gov; Debra Baird, Community Services General Manager, 480-312-2480, dbaird@scottsdaleaz.gov

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12. **Design-Phase Services Contract for Soleri Bridge and Plaza Project** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 7681** authorizing CM@Risk Design-Phase Services Contract No. 2008-135-COS with Hunter Contracting Co. in the amount of \$90,640.39 for pre-construction services for the Soleri Bridge and Plaza Project.
Related Policies, References:
 - April 17, 2008, the Development Review Board approved the conceptual plans for the Soleri Bridge and Plaza.
 - The Council adopted FY 2008/09 budget of \$1.7M for the Soleri Bridge and Plaza.**Staff Contact(s):** Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov
13. **Job Order Contract Modification for City-wide Paving, Concrete and Storm Drain Work** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 7701** authorizing Job Order Contract Modification No. 2007-143-COS-A1 with Banicki Construction for the first option year of an existing City-wide paving, concrete, and storm drain contract.
Related Policies, References: On August 21, 2007, the Council approved Job Order Contract No. 2007-143-COS with Banicki Construction.
Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov
14. **Camelback Park CIP Contingency Transfer** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 7715** authorizing a capital budget transfer of \$236,000 from the CIP Contingency to CIP Project P0711, Camelback Park.
Related Policies, References:
 - January 22, 2008, Council approved the Construction Phase Services contract with Low Mountain Construction, Inc., for phase I site grading of Camelback Park (formerly Villa Monterey Open Space).
 - March 14, 2008, Council approved Construction Phase Services contract with Low Mountain Construction, Inc., for phase II construction improvements at Camelback Park.**Staff Contact(s):** Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov
15. **Electric Service Payment for Gateway Access Area (Preserve Trailhead) Improvements** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 7714** authorizing an estimated payment of \$100,000 to Arizona Public Service for direct costs to design and install new electrical service to planned amenities at the Gateway Access Area (Preserve Trailhead).
Related Policies, References:
 - July 5, 2005, Council approved Architectural Services Contract No. 2005-133-COS with Weddle/Gilmore Architects to prepare design and construction documents for the Gateway Access Area.
 - September 18, 2007, Council adopted Resolution No. 6964 approving a Municipal Use Master Site Plan for the Gateway Access Area Trailhead.
 - April 15, 2008, Council Adopted Resolution No. 7570 authorizing CM@Risk Contract No. 2008-070-COS for \$99,730 with Valley Rain Construction Corporation (Valley Rain) for design phase services for the Gateway Access Area.

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- June 3, 2008, Council adopted Resolution No. 7593 authorizing CM@Risk Construction Services Contract No. 2008-078-COS for \$1,260,000 with Valley Rain to begin native plant salvage ordering of structural steel.
- July 8, 2008, Council adopted Resolution No. 7594 authorizing CM@Risk Contract Modification No. 2008-078-COS-A1 for \$4,340,000 with Valley Rain for construction of the trailhead amenities.

Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776,
dworth@scottsdaleaz.gov

16. Acquisition of Rights-of-Way along the Miller Road Alignment for Sewer System Improvements – APPROVED ON CONSENT

Request: Adopt **Resolution No. 7717** authorizing the acquisition of various rights-of-way interests from properties located along the Miller Road alignment from McDowell Road to the Princess metering station; and authorizing agreements with Salt River Project Agricultural Improvement and Power District, Maricopa County Flood Control District, and the City of Tempe for construction over their properties.

Related Policies, References:

- July 11, 2006, Council approved Engineering Services Contract No. 2006-095-COS with Brown and Caldwell Engineering for the design of Miller Road sewer improvements.
- July 9, 2007, Council approved CM@Risk Design Phase Services Contract No. 2007-127-COS with Don Kelly Construction, Inc., for Miller Road sewer improvements.
- February 5, 2008, Council approved CM@Risk Construction Services Contract No. 2008-013-COS with Don Kelly Construction, Inc., for construction of sewer system improvements along the Culver Street alignment from Miller Road to 74th Street.

Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776,
dworth@scottsdaleaz.gov

Regular Agenda begins on the following page

How the Regular Agenda Works: The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a Comment Card for each topic you wish to address and submit it to the City Clerk. Speakers will be given at least three minutes to speak per item. Additional time may be granted to speakers representing two or more persons. Cards for designated speakers and the persons they represent must be submitted together. **Comment cards must be submitted before public testimony has begun on any regular agenda or public hearing item.**

17. Public Hearing for Proposed 2008 Water, Water Resources, and Wastewater Infrastructure Improvements Plan – MARSHALL BROWN PRESENTATION

Request: Conduct a public hearing and accept citizen comment on the City's intention to adopt the 2008 Water, Water Resources, and Wastewater Infrastructure Improvements Plan.

Related Policies, References:

- Arizona Revised Statutes § 9-463.05
- Development Fee Study, published July 10, 2008
- 2008 Integrated Water Master Plan, approved March 4, 2008
- 2008 Integrated Wastewater Master Plan, approved March 4, 2008

Staff Contact(s): Marshall P. Brown, Water Resources General Manager, 480-312-5681, mbrown@scottsdaleaz.gov

18. Public Hearing for Modifications to the Water, Water Resources, and Wastewater Development Impact Fees – MARSHALL BROWN PRESENTATION

Request: Conduct a public hearing and accept citizen comment on the City's intention to adopt an ordinance modifying Water, Water Resources, and Wastewater Development Impact fees.

Related Policies, References:

Staff Contact(s): Marshall P. Brown, Water Resources General Manager, 480-312-5681, mbrown@scottsdaleaz.gov

Mayor and Council Items begin on the following page

19. **Discussion on Initiating a Payday Lending Establishments Text Amendment – MOTION TO DIRECT STAFF TO INITIATE A TEXT AMENDMENT – OK – 7/0**
Request: At the request of Mayor Manross, discuss and provide staff direction to explore the initiation of a text amendment regarding a use commonly known as “check cashing” or “payday loan” establishments.
Staff Contact(s): Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, cpadian@scottsdaleaz.gov; Lusia Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov
20. **Discussion on the Creation of a Conservation Overlay District – MOTION TO EXPAND DISCUSSION ON GREEN BUILDING STANDARDS TO INCLUDE PARTICIPATION WITH THE ENVIRONMENTAL QUALITY ADVISORY BOARD, ARCHITECTURAL EXPERTS, AND OTHER EXPERTS – FAILED – 2/5 (MM, BD, WE, JL, RM)**
MOTION TO REFER THE QUESTION OF EXPANDING THE GREEN BUILDING PROGRAM, INCLUDING GREEN BUILDING COMMUNITY DESIGN STANDARDS, TO THE ENVIRONMENTAL QUALITY ADVISORY BOARD FOR REVIEW, ANALYSIS AND RECOMMENDATIONS – OK – 7/0
Request: At the request of Councilman Nelssen, discuss and provide staff direction to explore the initiation of a text amendment to create a zoning overlay district that would require all new zoning proposals and General Plan amendments to conform to Green Building standards.
Staff Contact(s): Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, cpadian@scottsdaleaz.gov; Lusia Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov

Public Comment – NONE

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Mayor and Council Items – NONE**Adjournment – 8:32 PM**